



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/591,758

09/01/2006

Vesa Simila

KOL.222.WUS

6655

76385 7590 01/28/2009

Hollingsworth & Funk, LLC
8009 34th Avenue South
Suite 125
Minneapolis, MN 54425

EXAMINER

ORR, HENRY W

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

01/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/591,758	Applicant(s) SIMILA ET AL.	
	Examiner Henry Orr	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to applicant's amendment dated 11/20/2008.
2. Claims 1-16 are pending in the case.
3. Claims 1, 8, 15 and 16 are independent claims.

Applicant's Response

4. In Applicant's response dated 11/20/2008, applicant has amended the following:
 - a) 1, 3, 4, 8, 10, 11, 15 and 16

Specification

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 15 recites the term "computer readable medium" which is not explicitly described in the instant application. Therefore, it is not clear as to whether the scope of the term is intended to cover non-statutory subject matter such as a carrier wave.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Art Unit: 2176

7. Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. See MPEP § 2106

Claim 15:

Claim 15 recites a ***“computer readable medium encoded with a computer program”***. Examiner notes that the *“computer readable medium”* is not defined in the instant application. As currently recited, the Examiner interprets the scope of “computer readable medium” to include carrier waves. Therefore, the recited *“computer readable medium”* is not a process, a machine, a manufacture or a composition of matter.

Accordingly, claim 15 fails to recite statutory subject matter as defined in 35 U.S.C. § 101.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being DeStefano by U.S. Patent No. 6,075,531 of record.

Claim 1:

DeStefano teaches **a method comprising: opening application windows of at least two different application programs onto a display;** (see col. 1 lines 58-65, col. 2 lines 43-49, Figure 11)

determining a grip area on a predetermined location on the display (see col. 15 lines 12-24)

detecting activation of the grip area for managing application windows on the display; (see col. 6 line 65 - col. 7 line 21 – Examiner interprets the pointer and grip span capabilities to anticipate the recited "grip area")

detecting a change in the location of the activated grip area on the display, indicated by an input device; (see abstract, col. 7 lines 38-45, Figure 3)

and changing the size of at least two application windows on the basis of the change in the location of the grip area (see abstract, col. 12 lines 30-46).

Claim 2:

DeStefano's Figure 11 illustrates **showing the grip area for managing application windows on the display.**

Claim 3:

DeStefano teaches **determining the grip area at the edges of an application window** (see col. 9 lines 26-30).

Claim 4:

DeStefano teaches **determining the grip area at a bar of an application window** (see abstract, col. 9 lines 14-30 – the grip span of the pointer can be determined at any part (e.g. bar, corner, edges) of an application window because the

Art Unit: 2176

proximity range of the grip span is customizable).

Claim 5:

DeStefano teaches **detecting selection of the application windows to be changed from among the opened application windows; and changing the size of the application windows to be changed only** (see col. 8 lines 15-41, col. 9 lines 14-30, col. 9 lines 55-65, col. 14 lines 16-19 - grip span selection changes the size of the "affected" windows).

Claim 6:

DeStefano anticipates **scaling the contents of the application windows in proportions to the changes in the sizes of the application windows** (see col. 4 lines 24-43, col. 7 lines 6-10 – application window is defined to include content, therefore when the window size changes, the content within the corresponding window changes).

Claim 7:

DeStefano teaches **wherein detecting a change in the location of the grip area comprises: detecting a direction of motion of the grip area from a first location of the grip area to a second location of the grip area as well as the distance between the first location and the second location, and changing the sizes of the application windows on the basis of the detected direction of motion and distance** (see abstract, col. 2 lines 43-55, col. 12 lines 30-46, Figure 15).

Claims 8-14:

Claims 8-14 are apparatus claims and are substantially encompassed in method claims 1-7 respectively; therefore the apparatus claims are rejected under the same rationale as method claims 1-7 above.

Claim 15:

Claim 15 includes a computer program product to implement the steps that are substantially encompassed in method claim 1; therefore the claim is rejected under the same rationale as method claim 1 above.

Claim 16:

Claim 16 is an apparatus claim and is substantially encompassed in method claim 1; therefore the apparatus claim is rejected under the same rationale as method claim 1 above.

Response to Arguments

10. Applicant's arguments filed 11/20/2008 have been fully considered but they are not persuasive.

Prior Art Rejections under 35 U.S.C. 102(b)

Applicant argues that DeStefano fails to teach or suggest “a grip area is determined on a predetermined location on the display” as recited in the independent claims. See Response p. 6

Examiner respectfully disagrees.

DeStefano discloses *“In other embodiments, it may be desirable to utilize intermittent “preview” modes whereby a user could depress a key and/or a mouse button while **the pointer is at a predetermined location** to permit a user to briefly see which windows will be affected, and then enable a user to select a move grip mode or resize grip mode to perform the desired operation, again without placing the pointer in a specific move or resize mode. In other embodiments, initiation of a move grip mode or resize grip mode, without a corresponding movement of the pointer, may be sufficient to provide a “preview” function to permit a user to determine whether it is desirable to move or resize the current group of affected windows.”*

Examiner interprets the pointer and corresponding grip span as taught by DeStefano to anticipate the claimed “grip area”. Therefore, DeStefano does teach or suggest “a grip area is determined on a predetermined location on the display” because the pointer is at a predetermined location on the display in which the proximity ranges of the grip span of the pointer can be determined.

For at least the foregoing reason, Examiner maintains Prior Art Rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

1/22/2008

HO

/DOUG HUTTON/

Supervisory Patent Examiner, Art Unit 2176